

## 10.9. Draft Amendment to NSDCP 2013 - 52 McLaren Street, North Sydney

<b>AUTHOR</b>	Ben Boyd, Executive Strategic Planner
<b>ENDORSED BY</b>	Marcelo Occhiuzzi, Director Community, Planning and Environment
<b>ATTACHMENTS</b>	1. NSDCP 2013 - Draft Amendment 52 McLaren Street, North Sydney [10.9.1 - 23 pages]
<b>CSP LINK</b>	<p>2. Our Built Infrastructure</p> <p>2.2 Vibrant public domains and villages</p> <p>2.3 Prioritise sustainable and active transport</p> <p>2.4 Efficient traffic mobility and parking</p> <p>3. Our Innovative City</p> <p>3.1 Our commercial centres are prosperous and vibrant</p> <p>3.3 Distinctive sense of place and design excellence</p> <p>4. Our Social Vitality</p> <p>4.3 North Sydney’s history is preserved and recognised</p> <p>5. Our Civic Leadership</p> <p>5.1 Lead North Sydney’s strategic direction</p>

### PURPOSE:

The purpose of this report is to seek Council’s endorsement of a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to help guide the future redevelopment of 52 McLaren Street North Sydney, and place that draft amendment on public exhibition concurrently with the associated Planning Proposal for the subject site.

### EXECUTIVE SUMMARY:

- On 11 December 2023, Council resolved to support the progression of a Planning Proposal for the purposes of obtaining a Gateway Determination relating to land at 52 McLaren Street North Sydney. In particular, the Planning Proposal sought the following amendments to North Sydney Local Environmental Plan 2013:
  - o amend the maximum building height from RL 110m to part RL 107m and part RL 156m (8 and 24 storeys respectively);
  - o apply a maximum overall Floor Space Ratio of 5.3:1; and
  - o amend the minimum non-residential FSR from 0.5:1 to 1:1.
- Council also endorsed an associated offer to enter into a Voluntary Planning Agreement to deliver a number of public benefits including a dedicated pedestrian through-site link, construction and dedication of a childcare centre facility, and provision of affordable housing.
- Council also resolved at this time to progress a site-specific amendment to the NSDCP 2013 to help provide greater certainty to the built form outcomes for the subject site.

- In response to Council's 11 December 2023 Resolution, Council received a draft Development Control Plan (DCP) amendment from the applicant of the Planning Proposal on 14 May 2024. Upon review, further revisions were undertaken to ensure that it better aligns with the formatting and structure of Council's current DCP, and to ensure that the overall intent of the proposal can be delivered and subject to appropriate assessment.
- Council is required to formally endorse the attached draft DCP amendment for public exhibition purposes in accordance with the requirements of the Environmental Planning and Assessment Act.

**RECOMMENDATION:**

**1. THAT** Council endorse the draft amendment North Sydney Development Control Plan 2013 forming Attachment 1 to this report for the purposes of public exhibition.

**2. THAT** the draft amendment be placed on public exhibition concurrently with the associated Planning Proposal for a minimum of 28 days.

## Background

On 23 August 2021, Council received a Planning Proposal seeking to amend the planning controls under North Sydney Local Environmental Plan (NSLEP) 2013 as they relate to land at 52 McLaren Street North Sydney.

The initial proposal as submitted, included two options outlining different commercial / residential mixes with a part 14-storey (RL 124.2m/RL 130.2m) and part 24-storey (RL 156m) buildings, with a maximum overall floor space ratio (FSR) of 6.3:1 and a minimum non-residential FSR of 1:1.

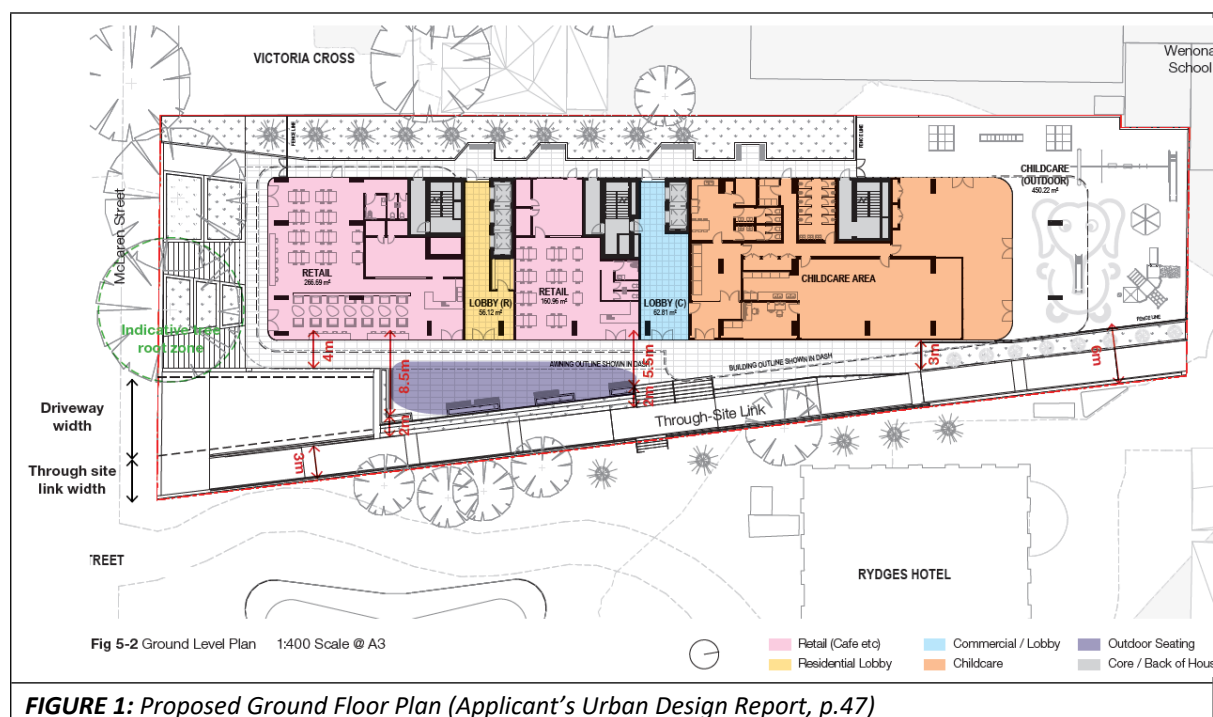
In response to Council concerns, the proposal was refined and currently seeks to:

- amend the maximum building height from RL 110m to part RL 107m and part RL 156m (8 and 24 storeys respectively);
- apply a maximum overall Floor Space Ratio of 5.3:1; and
- amend the minimum non-residential FSR from 0.5:1 to 1:1.

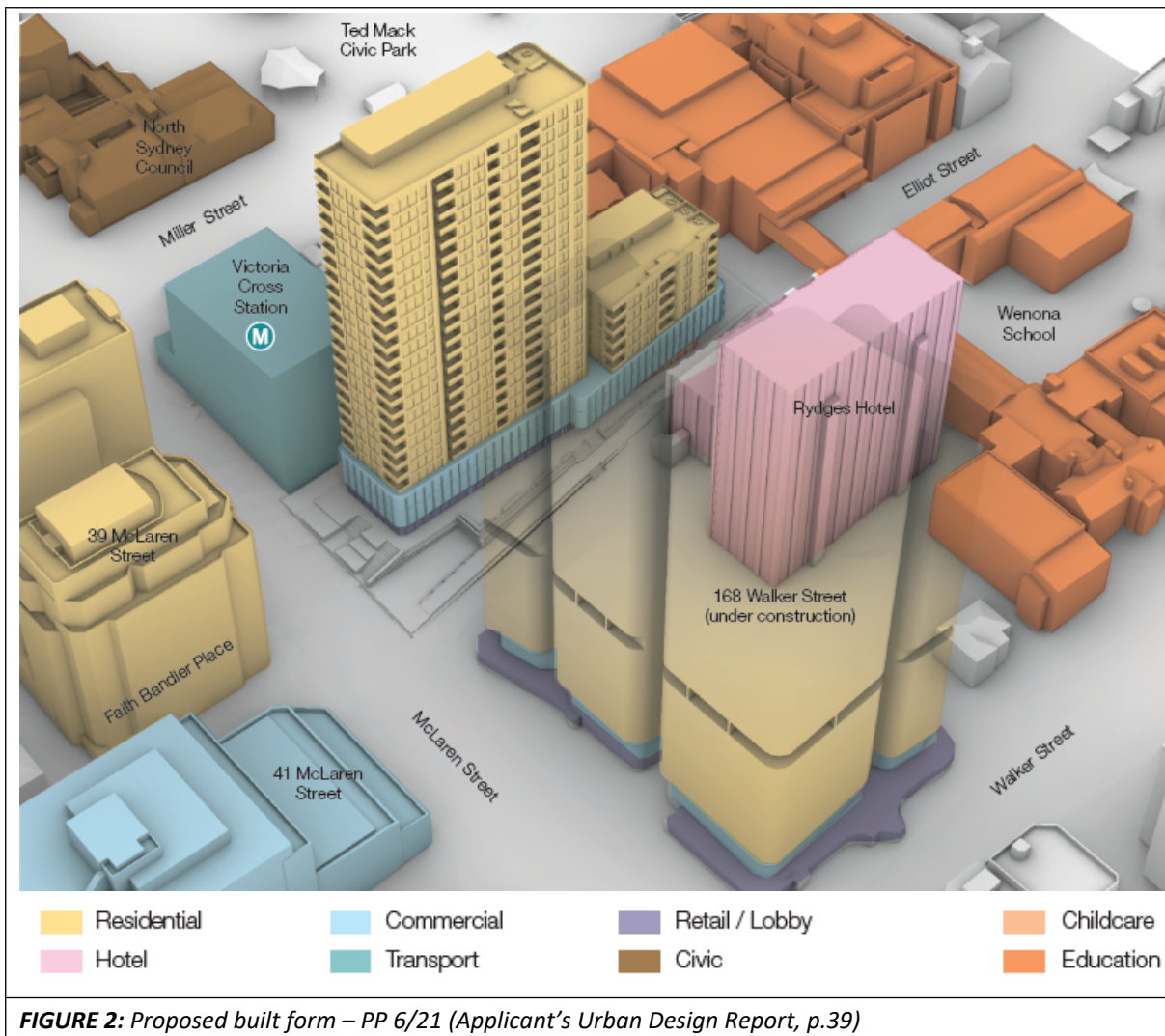
The Planning Proposal is also accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver:

- a dedicated pedestrian through-site link connecting McLaren Street to Elliot Street consistent with the outcomes of the North Sydney Public Domain Strategy and Civic Precinct Planning Study;
- construction of a childcare facility and its dedication to Council; and
- provision of 5% of dwellings for affordable housing for a minimum period of 10 years.

The Planning Proposal was accompanied by a reference design which demonstrates a potential built form that may be able to be delivered on the site as a result of the proposed amendment to NSLEP 2013. This is generally represented in Figures 1 and 2 below.



**FIGURE 1: Proposed Ground Floor Plan (Applicant's Urban Design Report, p.47)**



As part of its consideration of the Planning Proposal, the North Sydney Local Planning Panel (NSLPP) recommended that the applicant prepare a site-specific Development Control Plan (DCP) to assist with achieving the desired outcomes as illustrated in the Planning Proposal. The reason for this was:

*..., the Panel considers there are site specific matters that would also benefit from further analysis. For example, the inherent constraint of this elongated site may require further consideration of the massing and design before prescribing a floor space ratio. As such it is recommended a development control plan be prepared simultaneously, and then exhibited with the Planning Proposal, to assist in guiding the controls, to inform a better design outcome including the massing of buildings and articulation of the building envelopes.*

On 11 December 2023, Council resolved to support the progression of the Planning Proposal for the purposes of obtaining a Gateway Determination and the associated offer to enter into a VPA to deliver a number of public benefits. Consistent with the recommendations of the NSLPP, Council also resolved that the applicant be requested to prepare a site-specific DCP to detail provisions such as siting of building height, setbacks, building length, podium heights, and through-site link design.

On 22 March 2024, a Gateway Determination was issued by a delegate of the Minister for Planning. The Gateway Determination permits the Planning Proposal to proceed to public exhibition subject to satisfying a number of conditions.

At the time of writing this report, the applicant is still in the process of addressing the conditions of the Gateway Determination and finalising a draft VPA with Council consistent with their letter of offer, prior to being exhibited.

## **Report**

### **1. Role of Development Control Plans (DCP)**

Provisions contained within a DCP are intended to support and facilitate development envisaged under the higher-order planning controls applying to a site. These are established in the Local Environmental Plan (LEP) and typically include zoning which establishes land use permissibility and limited built form controls, such as maximum building height and density (e.g., floor space ratios).

A DCP generally contains more detailed design parameters to help assist in managing impacts through the development application process. Under the Environmental Planning and Assessment Act (EP&A Act), a DCP cannot contain provisions that unreasonably restrict or seek to undermine the development provisions of an LEP.

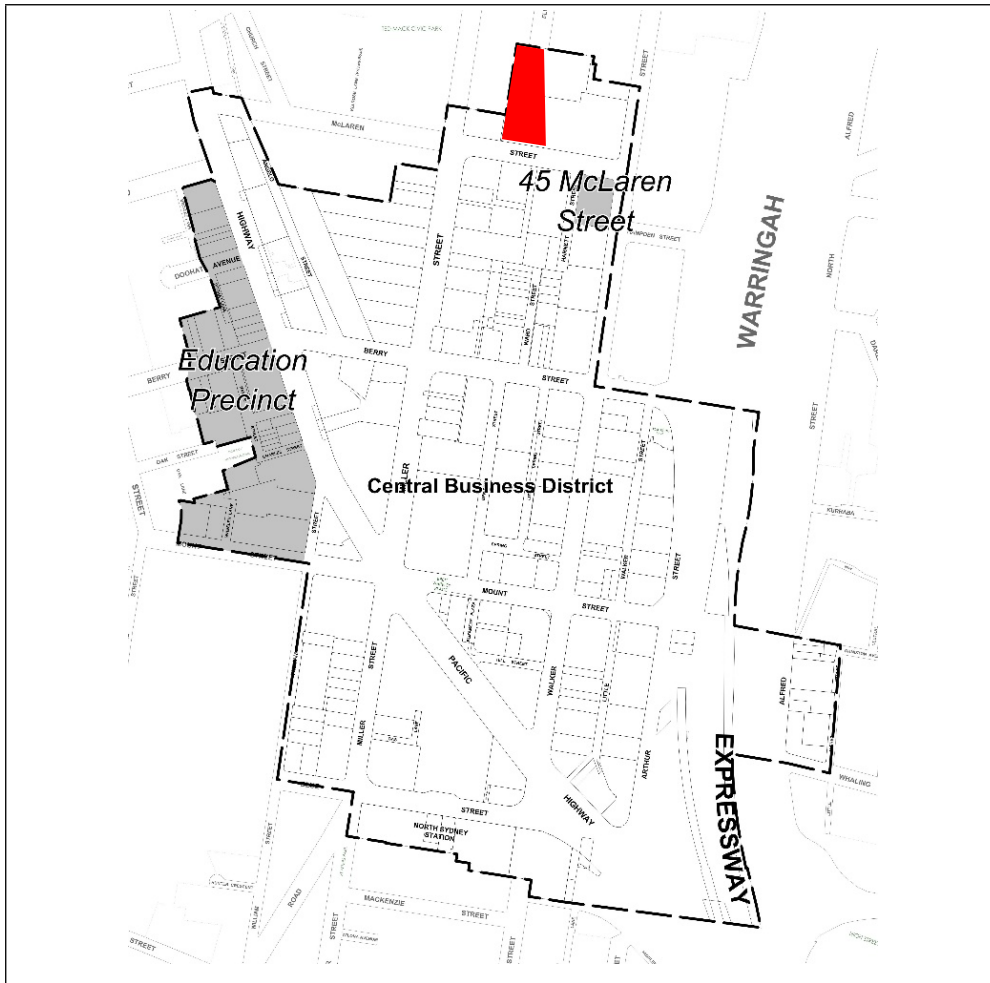
### **2. Structure of NSDCP 2013**

NSDCP 2013 is broken down into 3 main parts comprising:

1. Part A – General Requirements
2. Part B – Development Standards
3. Part C – Area Character Statements

Whilst Part B of the DCP focuses on specific development types and attributes, Part C implements a ‘place management’ planning approach. In particular, Part C contains a suite of Area Character Statements whereby controls are tailored to achieve a desired future character that is unique to each place in the Local Government Area (LGA). Furthermore, where required, they also may contain additional controls down to a site-specific level. The controls within Part C of the DCP prevail over those contained within Part B.

The Planning Proposal applies to a single site and seeks to achieving a site-specific outcome. Therefore, any amendment to NSDCP 2013 should be located within the relevant Area Character Statement. The area the subject of this development sits within the “Central Business District” Planning Area as outlined in Figure 3.



**FIGURE 3:** Location of site within the Central Business District Planning Area.

### 3. Applicant’s Draft DCP

On 14 May 2024, the applicant submitted a draft DCP amendment to Council for its consideration (refer to Attachment 1). The draft amendment effectively seeks to insert a new subsection within Section 2.1 – *Central Business District* to Part C – *Area Character Statements* of NSDCP 2013.

In submitting the draft amendment, the applicant advised:

*Attached ... is the proposed site-specific DCP that addresses provisions such as building height, setbacks, building length, podium heights, and through-site link design. The draft DCP also adopts the outcomes of the North Sydney Council Civic Precinct Study as they relate to the subject site.*

*The DCP has been prepared to allow some flexibility for any future development of the site, whilst also ensuring key elements are addressed through certain site-specific controls to influence and shape the ultimate built form outcome on the site. The below table outlines how the DCP addresses the key areas of concern raised by Council and the Local Planning Panel.*

<b>Issue</b>	<b>Comment</b>
<i>Building heights</i>	<i>Building heights have been prescribed in the DCP as both storeys and RL in metres. The controls also stipulate that development is to achieve a stepped form with a maximum height of 24 storeys (RL 156m) at the southern end of the site, stepping to a maximum of 8 storeys (RL 107m) at the northern end of the site</i>
<i>Setbacks</i>	<i>Building setbacks have been informed by the existing and emerging site context, including:</i> <ul style="list-style-type: none"> <li>- <i>heritage items and sensitive uses along the western side boundary,</i></li> <li>- <i>the provision of the through site link along the eastern side boundary,</i></li> <li>- <i>the established front setback of the adjoining development along McLaren Street, and;</i></li> <li>- <i>the podium design to facilitate a childcare centre on the northern boundary.</i></li> </ul>
<i>Building length</i>	<i>The DCP does not nominate a building length for the subject site. This approach, coupled with the required setbacks proposed by the DCP and separation distances required by the NSW Apartment Design Guide will provide sufficient guidance and flexibility to the ultimate design of the development, without the need to prescribe a maximum building length for the site</i>
<i>Podium heights</i>	<i>The draft DCP prescribes a maximum three-storey street wall height requirement to McLaren Street</i>
<i>Through site link</i>	<i>A 3-metre DDA compliant, continuous and activated pedestrian through site link is to be located along the eastern boundary of the site.</i> <i>The DCP also prescribes how this link shall be embellished with landscaping and seating and its role in providing connectivity from the Ward Street Precinct towards St Leonards Park. The link has also futureproofed for east-west connections across the block.</i> <i>Vehicular access is prohibited along the through-site link.</i>

*Sydney Metro is of the view the proposed DCP is appropriate in the context of the site and adequately covers off the necessary controls to guide development, whilst also allowing a degree of flexibility on the next stages of design.*

Upon review of the draft Amendment supplied by the applicant, it was noted that:

- it is generally consistent with the desired outcomes illustrated in the reference scheme that accompanied the Planning Proposal;
- its formatting and structure are generally consistent with that contained within NSDCP 2013, with a couple of minor exceptions;
- it contains provisions, which are duplicated elsewhere in the DCP;
- it contains provisions that do not relate to the subject site;

- it incorrectly identifies setbacks or building length controls which are inconsistent with the design reference scheme;
- it is missing provisions relating to ensuring that solar access to the future public square in the Ward Street Precinct is protected;
- it incorrectly recommends the inclusion of a provision seeking to enhance views from the site; and
- it contains a number of provisions which are duplicated elsewhere in the DCP or under other State planning instruments or can be consolidated into single provisions.

#### 4. Proposed Draft DCP Amendment for Exhibition

In light of the issues raised in Section 3 to this report, it is recommended that the applicant’s version of the draft DCP be further revised to:

- better align with the formatting and structure of NSDCP 2013;
- ensure that the objectives better relate to the proposed provisions;
- incorporate additional provisions to ensure that other endorsed Council outcomes are not undermined; and
- better reflect the intended design outcome illustrated in the design reference scheme.

Following the amendment of the applicant’s version of the draft DCP, a copy was forwarded to the applicant for their comment prior to reporting to Council. The applicant identified a small number of corrections or clarifications which were subsequently incorporated in the draft DCP.

A copy of the revised draft DCP amendment for adoption is provided within Attachment 1.

#### Options

Council has the following options in relation to this matter:

1. Adopt the applicant’s draft DCP amendment as submitted and place it on public exhibition; or
2. Adopt the draft DCP amendment as revised by Council and place it on public exhibition; or
3. Do nothing/take no action.

These options are assessed in Table 1 below.

<b>Option</b>	<b>Finance/Resourcing</b>	<b>Risk/Opportunity</b>	<b>Consultation</b>
1.	Minimal costs and staff time required to undertake the necessary notifications, public exhibition, and implementation under	Provides clarity for property owners, developers, the wider community, and Council staff as to the general expected outcomes for the site and what must be considered in minimising any potential adverse impacts.	The EP&A Act requires that the proposed draft DCP amendment is placed on public exhibition for a minimum period



<b>TABLE 1: Options Table</b>			
<b>Option</b>	<b>Finance/Resourcing</b>	<b>Risk/Opportunity</b>	<b>Consultation</b>
	the EP&A Act concurrently with the Planning proposal.		of 28 “calendar days”. It is proposed to extend this to a minimum of 42 calendar days consistent with Council’s Community Engagement Strategy.
2.	Minimal costs and staff time required to undertake the necessary notifications, public exhibition, and implementation under the EP&A Act concurrently with the Planning proposal.	Provides greater clarity for property owners, developers, the wider community, and Council staff as to the general expected outcomes for the site and what must be considered in minimising any potential adverse impacts in accordance with a range of endorsed Council policies. Will ensure that the exhibited version is closer to a future endorsed final amendment.	The EP&A Act requires that the proposed draft DCP amendment is placed on public exhibition for a minimum period of 28 “calendar days”. It is proposed to extend this to a minimum of 42 calendar days consistent with Council’s Community Engagement Strategy.
3.	Additional costs and staff time taken to justify the preferred outcomes for the site without an adopted policy position when defending development applications.	Would require a merit assessment under Council’s current controls some of which are contrary to delivering the anticipated outcome envisaged under the Planning Proposal. Potential for poor amenity outcomes to be delivered.	No additional consultation is required.

Option 2, is recommended for the following reasons:

- there are minimal impacts on financial and staff resources;
- it provides greater consistency with previously endorsed Council policy positions;
- it ensures greater consistency with the application of site specific provisions elsewhere in the DCP;
- it reduces the amount of potential amendments post-exhibition.; and

- it enables community comment consistent with legislative requirements and Council's Community Engagement Protocol.

### **Consultation requirements**

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of the NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations. The statutory public exhibition period can be extended from 28 days to 42 days consistent with Council's Community Engagement Protocol.

The draft DCP is to be exhibited concurrently with the associated planning proposal and draft VPA in accordance with Council's resolution of 11 December 2023.

### **Financial/Resource Implications**

There will be minimal implications in pursuing the proposed amendment. There will be savings made through the concurrent public exhibition and post reporting of the Planning Proposal, Draft VPA and Draft DCP amendment. All aspects of the progression of the draft DCP amendment can be achieved within existing budget lines.

### **Legislation**

Compliance with the relevant provisions of the following legislation have been addressed throughout this report:

- NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021)
- NSW Local Government Act 1993 and accompanying Regulations (2021).



**SECTION 2 NORTH SYDNEY PLANNING AREA**

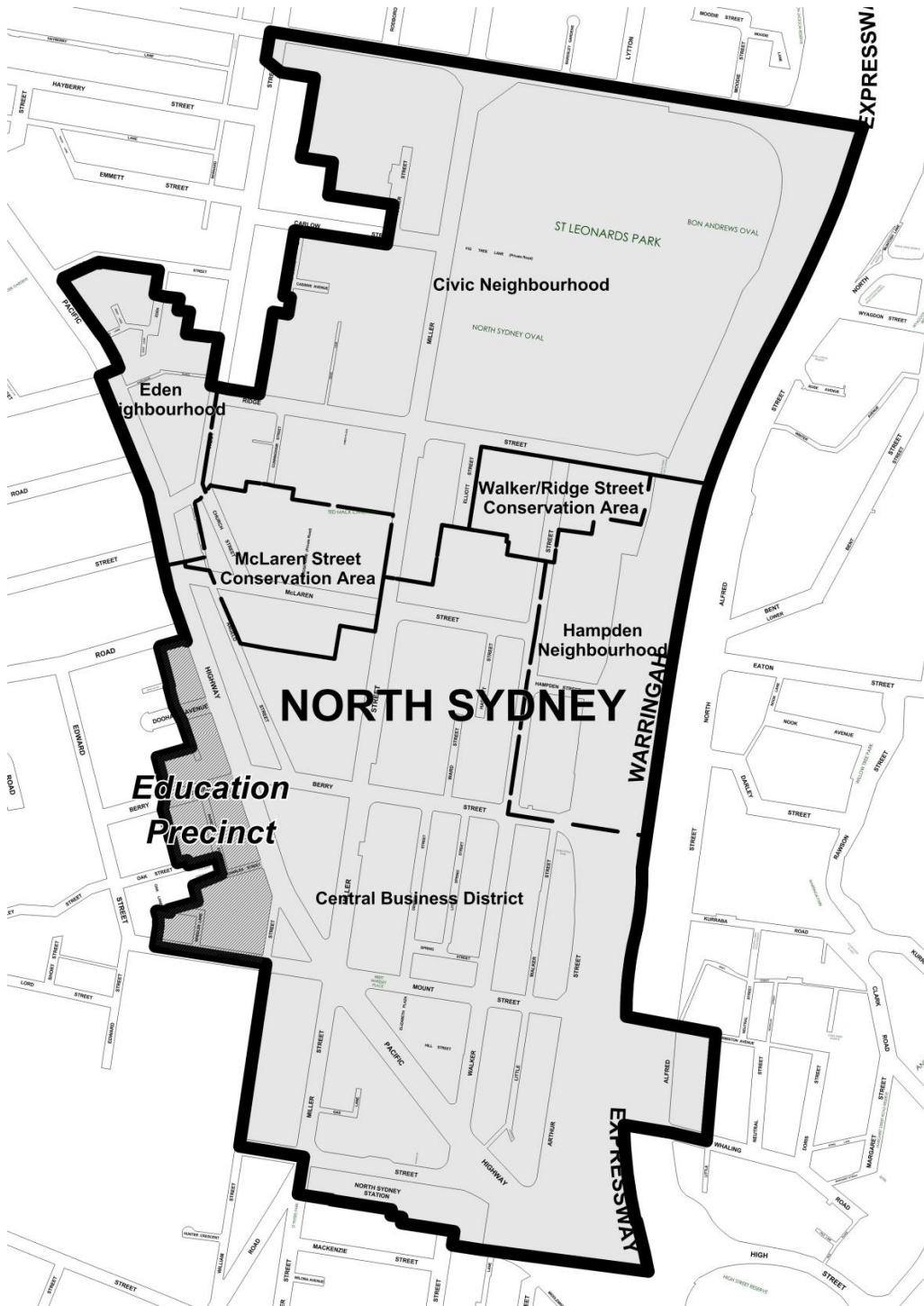


Figure C-2.1: North Sydney Planning Area and associated Locality Areas

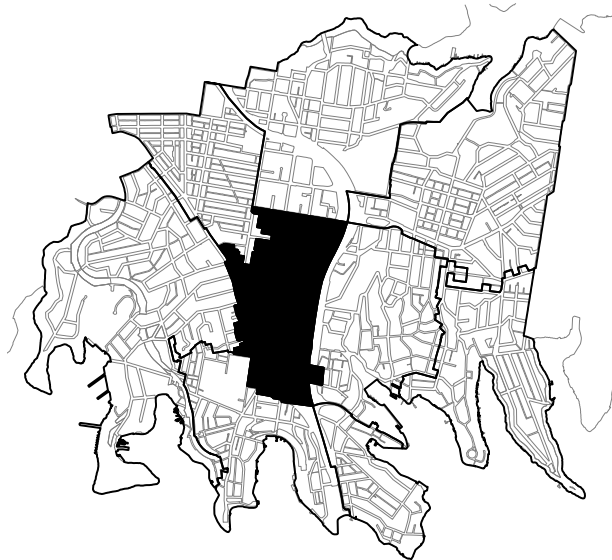
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**DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

## 2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney CBD, which is identified under the Metropolitan Strategy 2036 as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney CBD and the Ward Street Precinct is located within the northern portion of the Planning Area.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the North Sydney CBD
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and is activated in the daytime, evenings and weekends
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

and where:

**Function**

- The North Sydney CBD comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors
- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Creation of a new pedestrian focal point centrally within the Ward Street Precinct, through the provision of new public squares which integrate with a highly permeable pedestrian network and is activated by commercial and community frontages
- Community facilities meet the needs of the CBD's working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development will not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

**Environmental Criteria**

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- Additional public open space is provided for increased worker and residential populations

**Built Form**

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space

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**DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

- Physical breaks are provided between tall commercial towers to afford occupants of commercial buildings reasonable levels amenity in terms of ventilation, daylight access, solar access and views
- Physical breaks are provided between tall commercial towers to afford users of the public domain reasonable levels of amenity in terms of daylight access, solar access, sky views and reduction in adverse wind impacts
- Avoiding continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west and north/south routes through the CBD to promote pedestrian movement

**Quality Urban Environment**

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the CBD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- The cumulative desired future built form outcome within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct
- Rear lanes allow for the primary vehicular access to properties
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground

**Efficient Use of Resources**

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

**Public Domain**

- Additional open space is provided to service the increased residential, working and student population of the North Sydney CBD and the Education Precinct
- A new public square/s be provided centrally within the Ward Street Precinct which is integrated with a highly permeable pedestrian network

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**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy, Education Precinct Public Domain Masterplan* and *Ward Street Precinct Masterplan*

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
  - Section 2.1.4: 45 McLaren Street
  - [Section 2.1.5: 52 McLaren Street](#)
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
  - Section 2.4.4 East Walker Street Precinct
- Section 2.5: Walker/Ridge Street Conservation Area
- Section 2.6: McLaren Street Conservation Area



**DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

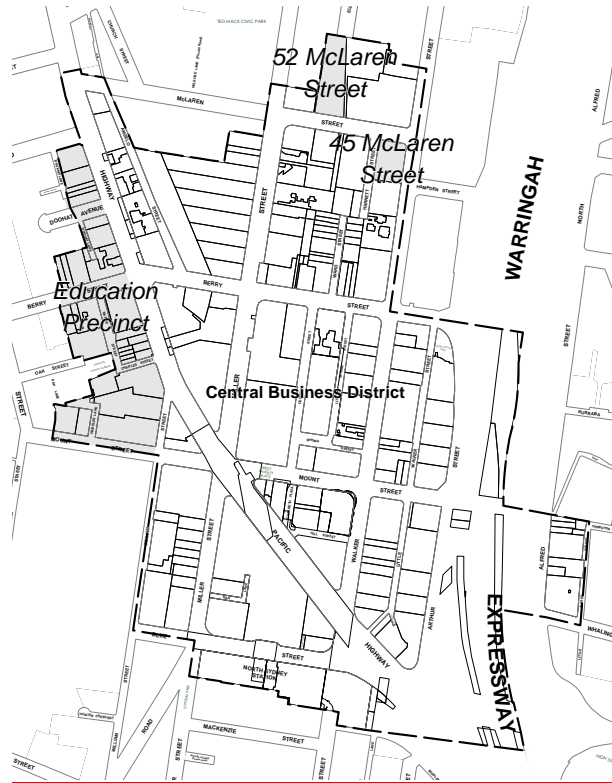
**2.1 CENTRAL BUSINESS DISTRICT**





**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT**

**Area Character Statements - North Sydney Planning Area**



**2.1.1 Significant Elements**

**Land Use**

- P1 Predominantly high-rise commercial development.
- P2 Medium to high rise mixed commercial and residential development at the fringes.
- P3 Educational facilities.
- P4 Regional rail and road infrastructure.

**Topography**

- P5 Typically falling from the north to the south towards Sydney Harbour.

**Natural Features**

- P6 Natural rock outcrops at 136 Walker Street.

**Views**

- P7 The following views and vistas are to be preserved and where possible enhanced:
  - (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.
  - (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.
  - (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.
  - (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.

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**DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

**Identity / Icons**

- P8 Brett Whiteley Place.
- P9 Greenwood.
- P10 Post Office and Court House.
- P11 MLC Building.
- P12 Don Bank Museum.

**Subdivision**

- P13 Predominantly large consolidated allotments within a rigid grid pattern.
- P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

**Streetscape**

- P15 Wide fully paved footpaths, promoting heavy pedestrian use.
- P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.
- P17 Buildings generally built to the boundary, with entry at street level.
- P18 Continuous awnings provided on commercial buildings.
- P19 Street trees.

**Public transport**

- P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

**2.1.2 Desired Future Character**

**Diversity of activities, facilities, opportunities and services**

- P1 High rise and medium density, commercial and mixed use developments.
- P2 Provision of a variety of different sized office, retail, community and entertainment spaces.
- P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).
- P4 The commercial focus of the CBD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the *E2 Commercial Centre zone*).
- P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.
- P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.
- P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the *Ward Street Precinct Masterplan*. This space is to be designed to be highly adaptable for events and prominent activities and form a spill over space for other community events associated with community facilities to be located in adjacent buildings.
- P8 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and

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**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

- Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.
- P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.
- P10 The Central Laneways Precinct will become a major focal point of pedestrian activity and amenity.
- P11 Active frontages to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.
- P12 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
- P13 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.
- P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.
- P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.
- P16 Provide a diverse mix of higher density, non-residential land uses in the *MU1 Mixed Use* zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.
- P17 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.
- P18 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.
- P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square/s consistent with the *Ward Street Precinct Masterplan*.
- Accessibility and permeability**
- P20 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.
- P21 Consideration be given to providing a direct vertical pedestrian connection between the new public open space located centrally within the Ward Street Precinct and the Victoria Cross Metro Station concourse.
- P22 Barriers to pedestrian movement, particularly within the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.
- P23 New development focuses on the use of public transport, cycling and walking.
- P24 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.
- P25 Loading and delivery facilities should be located away from the street and where possible be located underground.
- P26 The following through site links are to be provided, retained and enhanced:



**DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

- (a) A north - south pedestrian link from McLaren Street to Elliot Street across 52 and 54 McLaren Street.
- (b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.
- (c) An east-west pedestrian link of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.
- (d) An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.
- (e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
- (f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
- (g) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.
- (h) An east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.
- (i) An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street.
- (j) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
- (k) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
- (l) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.
- (m) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.
- (n) An east - west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.
- (o) A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
- (p) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.

P27 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.

P28 Consideration should be given to the demolition of the single-storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

### **2.1.3 Desired Built Form**

#### **Subdivision**

P1 Development sites should be of a size which enable:

- (a) the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy; and

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- (b) the incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain.
- P2 Development on small sites should not detrimentally impact on the long-term ability of the amalgamation of sites for significant commercial development.
- P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

**Form, massing and scale**

- P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.
- P5 Roof design contributes to building's appearance from a regional view catchment.
- P6 Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.
- P7 No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 60m.
- P8 Development is to be designed to maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.
- P9 Development must not result in a nett increase in overshadowing to the main southern square to be created centrally within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

**Setbacks**

**Note.** Additional setbacks may be required for any part of the building located above the podium level.

- P10 Buildings are to provide a zero metre setback to all street frontages and adjacent to heritage items, with the following exceptions:
- (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
  - (b) 5m from the western side of Walker Street, north of 76 Berry Street.
  - (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
  - (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
  - (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
  - (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
  - (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
  - (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.
  - (i) 2m setback to the ground level of buildings fronting Arthur Street.
- P11 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 144 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.
- P12 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing

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to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

**Podium Heights**

- P13 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure C-2.2).
- P14 Despite P13, a podium of between 3 and 5 storeys above the finished level of the new public squares to be created centrally within the Ward Street Precinct, where buildings front onto those squares, maintaining a human scale to the squares.
- P15 The entirety of a podium must be setback from any street frontage if required under Provisions P10 – P12 to s.2.1.3 to this Part of the DCP.
- P16 Podiums are to be built to all side and rear boundaries that do not have a street frontage, except where the site directly adjoins residentially zoned land (i.e. *R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential*) or requires a through site link as required under P23 to s.2.1.2 to this Part of the DCP.
- P17 Podium heights should match or provide a transition in height between immediately adjacent buildings.
- P18 Podium heights should match the height of adjacent heritage items.
- P19 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

**Above Podium Setbacks**

- P20 All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with the Above Podium Setbacks Map (refer to Figure C-2.3). Setbacks are to be measured from the outer wall of the podium. Where a weighted setback is required, it applies to the width of the building's façade located above the podium.
- P21 Despite P20, no part of any building may be located within 3m of the outer wall of the podium level fronting a street or laneway.
- P22 Despite P20 and P21, for buildings fronting Ward Street and the new public squares to be created within the Ward Street Precinct, that part of the building located above the podium is to be setback a sufficient distance to ensure the minimising of potential wind impacts and maintaining a human scale to the squares.
- P23 Where a building is to be erected on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:
- (a) the area of the site is less than 1,000sqm; and
  - (b) the building does not exceed 45m in height.

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Figure C-2.2: Podium Heights Map

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**Figure C-2.3:** Above Podium Setbacks Map

P24 Despite P23, no setback is required above the podium level to:

- (a) the southern boundaries of 122 Arthur Street (SP 57439) or 100 Walker Street (Lots 1 and 2, DP 542915), if developed in isolation from sites to their north;
- (b) the southern boundary of 90 Arthur Street (Lot 1, DP 738262), if developed in isolation from the site to the south;



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- (c) the northern boundary of 20 Berry Street (Lot 1, DP 550167) if developed in isolation from the site to the north;
- (d) the eastern boundary of 80 Mount Street (Lot 1, DP 566189) if developed in isolation from the site to the east; and
- (e) the southern boundary of 1 Wheeler Lane (Lot 101, DP 1076397) if developed in isolation from the site to the south.

P25 Where a building does not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any rear boundary that does not have a street or laneway frontage.

P26 Despite P25, no setback is required above the podium level to the western boundary of 65 Berry Street (Lot 2, DP 1230458) if developed in isolation from the site to the west.

P27 Where there is more than one tower located above the podium level on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.

**Building design**

P28 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.

P29 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.

P30 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

**Awnings**

P31 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.

P32 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

**Streetscape**

P33 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.

P34 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.

P35 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.

P36 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.

P37 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north – south pedestrian link from Charles/Napier Street to Wheeler Lane.

P38 33 Berry Street should be designed such that Napier Street is activated by non-residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non-residential tenancies at the ground level).

**Public Domain**

P39 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

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- P40 A new multi-purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary public square of minimum dimension 35m by 33m consistent with the *Ward Street Precinct Masterplan*. The squares are to be designed to maximise the flexibility of uses.
- P41 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.
- P42 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

**Landscaping**

- P43 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.
- P44 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy*, *Street Tree Strategy* and *North Sydney Council Infrastructure Manual*.

**Car accommodation**

- P45 Short stay parking spaces should be located within or as close as possible to meeting places.
- P46 Reduce the amount of long stay commuter parking on site.
- P47 Reduce the amount of non-residential parking on site.

**Vehicle Servicing**

- P48 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane and underneath the proposed new public squares, to maximise pedestrian amenity within the Ward Street Precinct.
- P49 Vehicular access to 76 Berry Street is to be provided from Walker Street.

**2.1.4 45 McLaren Street**



**2.1.4.1 Desired Future Character, Design Objectives and Key Principles**

- P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.
- P2 Built form, scale and massing is to transition in scale across the site from north to south and east to west, whilst respecting the built form of adjacent and neighbouring heritage items.

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- P3 Deliver a mixed use development with active frontages to McLaren and Harnett Streets.
- P4 Development is to maximise solar access to the proposed squares within the Ward Street Precinct.
- P5 Maintaining a landscaped setback to Walker Street.
- P6 An improved pedestrian through site link between Walker Street and Harnett Street.

**2.1.4.2 Desired Built Form****Objectives**

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between 168 and 150 Walker Street.
- O3 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.
- O4 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O5 To positively relate to the heritage context surrounding the site.

**Provisions****Solar access**

- P1 Despite any other provision of this DCP, any development at 45 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

**Building Height**

- P2 Development must not exceed 14 storeys above the crown of McLaren Street as it presents to McLaren Street.
- P3 Development must not exceed 10 storeys above ground level existing fronting its southern boundary.

**Street and Side Setbacks**

- P4 Buildings must be setback:
- 0m to McLaren Street, and
  - A minimum of 5m to Walker Street, consistent with the setback of buildings located at 144, 146, 148 and 152 Walker Street, and
  - A minimum of 1.5m setback to the southern boundary, and
  - A minimum of 1m setback to Harnett Street.

**Podium Height**

- P5 A podium must:
- Be 2-3 storeys in height fronting McLaren Street and positively relate to the height of the podium to the heritage listed commercial building at 41 McLaren Street to its west and heritage dwellings to the east on the eastern side of Walker Street, and
  - Be 2-3 storeys in height fronting Walker Street and positively relate to the height of the heritage dwellings at 144,146,148 and 152 Walker Street, and
  - Not exceed 3 storeys to the southern boundary, and



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- (d) Be 2-3 storeys in height fronting Harnett Street.

**Above Podium Setbacks**

- P6 The following minimum setbacks must be provided above the podium level:
- (a) 3m to the site's McLaren Street frontage, and
  - (b) 4.85m from the eastern alignment of the podium facing Walker Street, and
  - (c) 4.5m from the site's southern boundary, and
  - (d) 1.5m-3m to Harnett Street, unless the consent authority is adequately satisfied that the proposal can comply with the relevant Apartment Design Guidelines can be achieved with regard to building separation and privacy.
- P7 Despite Provision P6(a) above, the consent authority may permit a balcony to encroach into the setback area, but only if:
- (a) The balcony is unenclosed on at least two sides, and
  - (b) The balcony maintains a minimum 1m setback to McLaren Street, and
  - (c) The cumulation of balconies on any one level does not exceed 50% of the façade's length to McLaren Street.

**2.1.4.3 Landscaped Area**

**Objectives**

- O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.
- O2 To provide a quantum of landscaping reflecting the transition between the North Sydney CBD and adjoining residential areas.
- O3 To incorporate appropriate materials conducive of its heritage context.

**Provisions**

- P1 Any basement structure should be setback at least 5m to Walker Street, to ensure the provision of deep soil zones to accommodate trees and vegetation of a scale reflective with the scale of the proposed future development on the site.
- P2 Despite P1, a basement may be permitted within the setback area to Walker Street, but only where it can be adequately demonstrated that the setback area is predominantly soft landscaped and is capable of accommodating trees and vegetation of a scale reflective of the proposed future development on the site.
- P3 Consideration to be given to using sandstone or natural rock features in the landscaping or lower parts of buildings, reflective of the site's heritage context.

**2.1.4.4 Through-Site Link**

**Objectives**

- O1 To enhance the existing through site link that runs across the northern boundary of 144-152 Walker Street between Walker Street and Harnett Street.

**Provisions**

- P1 All buildings are to be setback a minimum of 1.5m from the southern boundary to enable the construction of a through site pedestrian link between Walker Street and Harnett Street which is integrated with the existing through site link across the northern boundary of 144-152 Walker Street.
- P2 Consideration is to be given to the use of sandstone to line surface or any adjacent retaining walls or walls to the through-site link.
- P3 Appropriate lighting be provided to ensure this link provides adequate safety for users.

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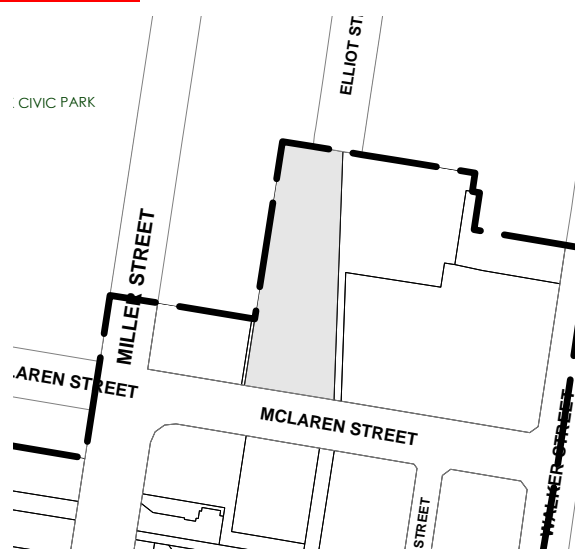
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**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area****2.1.4.5 Vehicular Access****Objectives**

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.

**Provisions**

- P1 No vehicular access is to be provided from McLaren Street.
- P2 Vehicular access should be provided from Walker Street, subject to ensuring that pedestrian safety is maximised.

**2.1.5 52 McLaren Street**

*Note: to remove any doubt, the following controls apply to land known as Lot 2, DP 218407; Lots 1 and 2, DP 1150156; and former drainage reserve in DP 979505.*

**2.1.5.1 Desired Future Character, Design Objectives and Key Principles**

- P1 To allow a scale and form which reflects its proximity to the Northern Portal of the Victoria Cross Metro Station, whilst enabling a suitable transition in scale from the north to the south, and respecting the built form of adjacent development, including neighbouring heritage items.
- P2 Development responds to the scale and character of existing development and desired future character of the surrounding area.
- P3 To ensure development is integrated with and provides a safe and accessible connection with the Northern Portal of the Victoria Cross Metro Station.
- P4 To deliver a mixture of retail, commercial, community and residential uses that positively contribute to the vitality and vibrancy of the North Sydney Centre.
- P5 To provide active frontages at the ground plane to McLaren Street and the future through-site link such that it contributes to an active and safe public domain.
- P6 Maximising solar access to the proposed squares within the Ward Street Precinct.
- P7 Maintaining a landscaped setback to the northern side of McLaren Street.
- P8 Deliver a safe and welcoming dedicated pedestrian through-site link between McLaren Street and Elliot Street.
- P9 Minimise impacts on adjacent sensitive uses.



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**2.1.5.2 Desired Built Form**

**Objectives**

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between the Ward Street Precinct to the south and mid-rise development to the north.
- O3 To deliver a slender built form that minimises overshadowing impacts to existing buildings, whilst ensuring building depths and lengths provide adequate light, cross ventilation, and amenity for occupants, visitors and/or workers.
- O4 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.
- O5 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O6 To maintain a consistent setback to the northern side of McLaren Street.
- O7 To positively relate to the heritage context surrounding the site.
- O8 To ensure appropriate articulation of building facades and 'fine grain' response to the public domain.

**Provisions**

**Solar access**

- P1 Despite any other provision of this DCP, any development at 52 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

**Building Height**

- P2 Development must not exceed 24 storeys as it presents to McLaren Street.
- P3 Development must not exceed 8 storeys as it presents to its northern boundary at ground level.

**Setbacks**

- P4 Buildings must be setback:
- (a) A minimum of 10.5m to McLaren Street, consistent with the general alignment of 168 Walker Street as it presents to McLaren Street, and
- (b) A minimum of 6m to the eastern boundary, and
- (c) A minimum of 9.5m setback to the northern boundary, and
- (d) A minimum of 6m to the western side boundary.
- P5 Despite Provision P4(a) above, the consent authority may permit a setback of 9.5m at Levels 1 and 2 only, and those levels are used for non-residential purposes.
- P6 Despite Provision P4(d) above, the consent authority may permit a setback of 5m at Levels 1 and 2 only, but only along that part of the site that directly adjoins the Victoria Cross Metro Northern Portal and those levels are used for non-residential purposes.

**Podium Height**

- P7 A 3-storey podium must be provided.

**Above Podium Setbacks**

- P8 The following minimum setbacks must be provided above the podium level:

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- (a) 10.5m from the McLaren Street frontage, and
- (b) 6m from the eastern boundary, and
- (c) 12.5m from the northern boundary, and
- (d) 6m from the western boundary, and

P9 Despite P8(b) a 24m building separation must be provided to the building located at 168 Walker Street to the east.

**Building Form**

P10 The podium level is to have a different architectural expression to the tower elements above to reflect the different uses of the building.

P11 That part of the building located above the podium must present as two expressed forms to suitably break the scale and massing of the tower.

P12 Tower elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

P13 The building is to be designed to prevent the overlooking of sensitive areas of the adjacent school and proposed childcare centre within.

P14 Consideration is given to the incorporation of 1.8m high solid balustrades to any communal rooftop terraces to mitigate any potential adverse wind impacts upon the users of the terrace.

P15 The building is to incorporate façade articulation and fenestration to ensure an appropriate human scale is provided to the elevations.

P16 A continuous awning must be provided along the full length of the McLaren Street elevation and continue past all main pedestrian entries to the building.

**Heritage interface**

P17 Avoid providing blank walls directly facing heritage items or an abrupt imposing built form and presentation.

P18 Provide a deep soil zone along the western boundary adjacent to No.243 Miller Street, to enable tree planting that will help to soften the transition between development on the site and the adjacent heritage item.

**Communal Open Space**

P19 Communal open space may be provided on rooftop areas of any building on the site, but only where it can be adequately demonstrated that there are no resulting adverse visual privacy or acoustic impacts to the adjoining school and residential private open spaces and dwellings.

**2.1.5.3 Child Care Centre****Objectives**

- O1 To locate the proposed child care centre adjacent to compatible uses.
- O2 To provide sufficient screening of the child care centre from the public domain.
- O3 To ensure a direct physical connection between the internal and external spaces is provided, which facilitates provision for a high degree of child supervision.
- O4 To provide convenient and safe access to the child care centre.

**Provisions**

P1 A child care centre is to be located at the ground level of the building at its northern end such that can maximise its access to natural daylight and opportunities for providing a consolidated open space area.



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- P2 The child care centre must provide:
- (a) a minimum 450sqm of indoor space; and
  - (b) a minimum 450sqm of outdoor space,  
both at the same level, providing for a minimum of 900sqm in total area.
- P3 The outdoor play area is to be:
- (a) north facing, and
  - (b) predominantly open to the sky, whilst also providing for an outdoor covered area offering sun and rain protection as necessary, and
  - (c) a single consolidated space.
- P4 A dedicated lift must be provided from the child care centre to the basement car parking area.
- P5 The external facade of the child care facility shall incorporate full height screening, using louvres or other architectural treatments to restrict views into the child care centre, whilst also permitting daylight into the child care centre.
- P6 The development shall provide a total of six (6) parking spaces within the basement of the development comprising:
- (a) two (2) all-day designated car spaces for child care staff; and
  - (b) four (4) designated car spaces for child care drop-off and pick-up times.
- These spaces may be utilised outside the child care centre's normal hours of operation for other parking purposes (e.g. residential visitor spaces).

**2.1.5.4 Landscaping**

**Objectives**

- O1 To ensure that landscaping is used to provide appropriate amenity for the residents and tenants of the development, including weather protection.
- O2 To soften the appearance of buildings and their interface with neighbouring uses, heritage items and the public domain.
- O3 To maintain and protect existing street trees and canopy trees on-site.
- O4 To reduce the heat island effect and create a user-friendly green space.

**Provisions**

- P1 The existing fig trees adjacent to the McLaren Street frontage are to be retained.
- P2 Any basement structure/s must be setback a minimum of 6m to McLaren Street, to maximise the extent of the root zone to the existing fig trees. A greater setback may be required if the level of impact on the root zone would adversely affect the health and safety of the trees.
- P3 A landscaped area of at least 450sqm, must be provided along the western boundary, adjacent to No.243 Miller Street and the northern portal to the Victoria Cross Metro Station. The depth and horizontal dimensions of the landscaped area must be capable of accommodating trees and vegetation of a scale reflective of the scale of the proposed future development on the site.
- P4 Podium/terrace areas shall incorporate landscaped elements, including planter boxes or the like, with appropriate dimensions to facilitate mature vegetation to soften the appearance of the development and greening of the through-site link. Podium landscaping shall also wrap around the development and provide for a curtain effect to the car park entry.

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**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area****2.1.5.5 Through-Site Link****Objectives**

- O1 To provide a safe and accessible dedicated pedestrian through-site link connecting McLaren and Elliot Streets contributing to the overall desired pedestrian outcomes under the North Sydney Public Domain Strategy.
- O2 To ensure that development facilitates cross and through movements, enhancing precinct permeability and access to the transport interchange functions of the locality.
- O3 To provide opportunities for increased permeability through the site to adjoining properties.
- O4 To provide for areas within the through-site link that encourage people to rest, meet and socialise.

**Provisions**

- P1 A continuous and unobstructed 3m wide pedestrian pathway is to be provided along the entirety of the eastern boundary connecting McLaren Street to Elliot Street.
- P2 The ground level of all buildings facing the through-site link shall be designed to accommodate an active frontage.
- P3 The through-site link shall be designed to comply with the requirements of the Disability Discrimination Act.
- P4 The edges of the through-site link shall be softened using landscaped terracing up to the plaza level. Seating is to be provided at intervals along the length of the through-site link integrated into the various terraced levels.
- P5 Consideration is to be given to the integration of a potential future pedestrian through-site link between 168 Walker Street and 54 McLaren Street enabling access through to Walker Street.
- P6 The through-site link is to be appropriately lit to enable safe 24 hour use.
- P7 The through-site link is to be designed to ensure that vehicles are prevented from using the pathway.

**2.1.5.6 Vehicular Access & Parking Provision****Objectives**

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.
- O3 To minimise traffic congestion in close proximity to mass public transport.
- O4 To protect and retain the existing canopy trees adjacent to the McLaren Street frontage.

**Provisions**

- P8 Maximum of 1 vehicular access point, off McLaren Street.
- P9 The width of any vehicular access point should be minimised to ensure that pedestrian safety is maximised.
- P10 The location of the vehicular access point must be positioned to retain the existing trees to McLaren Street and delivery of a dedicated pedestrian through-site link along the site's eastern boundary.
- P11 Any structures located between the vehicular access point and the new through-site link must be designed to maximise visibility between drivers and pedestrians, especially at the link's southernmost end.
- P12 The total amount of car parking must not exceed 80% of the total parking provision permitted under Section 10 – Car Parking and Transport to Part B of the DCP, rounded down to the nearest whole space.